

**BERKS-MONTGOMERY MUNICIPAL AUTHORITY**

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**A RESOLUTION  
AMENDING ARTICLE IV, SECTION 4.06, SUBSECTION (f),  
SPECIFIC POLLUTANT LIMITATIONS, OF THE REGULATIONS  
OF THE BERKS-MONTGOMERY MUNICIPAL AUTHORITY,  
AND ADDING SUBSECTION (g), CONVENTIONAL POLLUTANT  
LIMITATIONS**

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BE IT RESOLVED THAT SUBSECTION (f) BE AMENDED TO READ AS FOLLOWS:

(f). Specific Pollutant Limitations. No person shall discharge waste water containing in excess of :

- (1) 1.0 mg/l of aluminum.
- (2) 0.361 mg/l of arsenic.
- (3) 5.0 mg/l of chromium, total.
- (4) 3.55 mg/l of copper.
- (5) 0.50 mg/l of cyanide.
- (6) 2.0 mg/l of lead.
- (7) 2.0 mg/l of nickel, total.
- (8) 2.43 mg/l of phenolics.
- (9) 2.0 mg/l of zinc, total.

(g). Conventional Pollutant Limitations. The following limits shall apply to conventional pollutants:

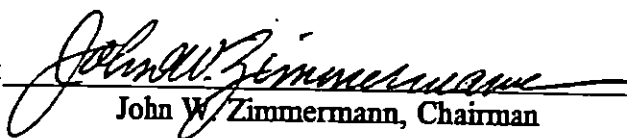
- (1) A daily average of more than 300 mg/l of total suspended solids, 300 mg/l of BOD 5, 3500 mg/l of dissolved solids, or 3850 total solids.
- (2) 23.0 mg/l of ammonia as N.
- (3) 25.0 mg/l of oil and grease.
- (4) 25.0 mg/l of phosphorus, total as P.
- (5) 150 units of color on the platinum-cobalt scale.

The Authority may authorize higher limits on a case by case analysis of available capacity and a surcharge for higher strength waste will be billed.


DULY ADOPTED this 26th day of February, 1996, by the Board of the Berks-Montgomery Municipal Authority, at a duly advertised monthly meeting.

BERKS-MONTGOMERY MUNICIPAL AUTHORITY

By:

  
John W. Zimmermann, Chairman

ATTEST:

  
Dale A. Johnson, Secretary

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Date of inspection 9/13/96Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

It is recommended that Boyertown Landfill personnel correct ALL of the violations listed on the previous page.

This includes - resumption of groundwater monitoring  
- closing the slash pit and restoring the landfill's final cover.  
- proper treatment and discharge of leachate  
- developing a contingency plan  
- conducting required inspections  
- maintaining onsite a written operating record

In summary, twelve (12) violations observed this inspection.

**Note-** During a recent phone conversation with Jim Brady of the Berks-Montgomery Municipal Authority (BMMA), I was given some current information regarding the landfill's discharge of leachate. J. Brady told me that the BMMA last received leachate from BSD on 5-20-95. The Authority has imposed the following requirements before BSD can discharge any more leachate to them:

- 1- BSD **must** pay \$15,000 in outstanding bills.
- 2- BSD **must** obtain a discharge permit renewal ( \$800) by 10-24-96.
- 3- BSD **must** re-sample and conduct analyses on treated leachate basins 'A' and 'B'.

Jim Brady informed me that the EPA has given the Authority a higher influent concentration limit for Cyanide (CN-). This new limit will be easier for BSD to meet than the previous one.

This inspection report is notice of the findings of an inspection conducted by a representative of the Department. This report is formal notification of any violations observed during the inspection. Additional notification of violations may be issued concerning either violations noted herein, or other violations identified as a result of review of laboratory analyses or Department records.

This report does not constitute an order or other appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

Signature by the person interviewed does not necessarily imply concurrence with the findings on this report, but does acknowledge that the person was shown the report or that a copy was left with the person.

Person interviewed (signature) \_\_\_\_\_

*Cops mailed to TRI-STATE ENVIRONMENTAL*

Date

*10-7-96*

Inspector (signature) \_\_\_\_\_

*Chad J. Zee*

Date

*9-13-96*Page *10* of *10*

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Date of inspection 9/13/96Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")Violations Summary

Pursuant to the excavating the slash pit and the recirculation of leachate on top of the landfill:

- 25 Pa Code 273.18(b) "Safety Hazard"
- 25 Pa Code 264.305(13) "Recirculating leachate without Department approval"
- 25 Pa Code 273.272(a) "Failing to send treated leachate to a publicly-owned treatment works (POTW)"
- 25 Pa Code 265.310(c)(1) "Failing to maintain integrity of landfill's final cover"
- 25 Pa Code 265.310(c)(3) "Closure and postclosure leachate treatment requirements"

Pursuant to groundwater monitoring requirements:

- 25 Pa Code 265.92(a) and 25 Pa Code 273.284 "Annual Groundwater Sampling"
- 25 Pa Code 265.92(a) and 25 Pa Code 273.284 "Quarterly Groundwater Sampling"
- 25 Pa Code 265.310(c)(2) "Closure and post-closure groundwater monitoring requirements"

Other violations:

- 25 Pa Code 265.73(a) "Written operating record maintained"
- 25 Pa Code 273.311(a) "Daily records kept"
- 25 Pa Code 265.226(1) "(Hazardous waste) surface impoundment freeboard level inspected daily"
- 25 Pa Code 265.226(2) "(Hazardous waste) surface impoundment ..... inspected weekly"
- 25 Pa Code 265.51(a) "Contingency plan"

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Person interviewed (signature) Copy mailed to TRI-STATE ENVIRONMENTALDate 10-7-96Inspector (signature) Charles J. [Signature]Date 9-13-96Page 9 of 10

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Date of inspection 9/13/96Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")Compliance Monitoring-Evaluation ("CME")

Boyertown Landfill is considered a "hazardous waste" landfill, because of receiving some hazardous and residual waste while it was opened. The Environmental Protection Agency (EPA) issued this landfill the generator identification number. Thus this facility is expected to obey all applicable regulations concerning hazardous waste landfills and hazardous waste storage impoundments.

One of these requirements is the conducting of a yearly groundwater sampling event mandated by the *hazardous* waste regulations. This is called the Compliance-Monitoring-Evaluation ("CME") inspection and sampling event. Citing financial difficulties, W.Frame has **not** conducted this required sampling. 1996 is the *third straight year* that the landfill has failed to provide for this event.

In addition, Boyertown Landfill has failed to perform the Quarterly groundwater sampling events as required by Pennsylvania's *Municipal* Waste Regulations. (All groundwater non-compliance items are summarized at the end of this report)

Information and details of this landfill's monitoring wells and past sampling events can be obtained by contacting Pa Dep hydrogeologist Thomas Cunningham.

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Person interviewed (signature)

Inspector (signature)

Copy mailed to TRI-STATE ENVIRONMENTAL  
Date 10-7-96  
Date 9-13-96Page 8 of 10

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Date of inspection 9/13/96Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

Conducted hazardous waste inspection of this closed landfill. On site with solid waste specialist John Mital and compliance specialist William Miller. No one was present from Tri-State Environmental, the firm where the landfill's president (Warren Frame), and his assistant, (Byron Wenger) work.

Raw leachate lagoon had a low water level- about 3 feet of freeboard. Treated leachate lagoon "A" and "B", had freeboards of about 20 to 24 inches. Because the gate was locked, we could not enter the impoundment area or the indoor treatment room. Mechanical noise emanating from the inside of the building indicated that the air blower for the leachate treatment shack was operating.

We drove to the flare house. This structure is at the eastern end of the landfill. This flare house is dilapidated and not working. Although landfill gas was not being burned, we did not detect much of an odor. (The inference here is that at the present time, gas is not being produced in quantities large enough to cause bad odors and nuisances.) The lack of landfill gas management is, at the present time, a "non-determined" issue.

25 Pa Code 273.201(c)(2) "Gas plan implemented"

We next drove to the top of the landfill. At this location exists a slash pit that was dug by Warren Frame in the Autumn of 1995. W.Frame admitted digging this pit. He has also admitted to pumping raw leachate, circulating from the raw leachate lagoon, into this hole. The excavation of this pit, and the pumping of leachate back into the landfill, were unauthorized by the Department, and thus constitute violations of Pennsylvania's Municipal and Hazardous Waste Regulations. The non-compliance issues, which are summarized at the end of this report, include safety violation, failing to maintain the final cover, and unauthorized leachate recirculation.

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Copy mailed to TRI-STATE ENVIRONMENTAL Date 10-7-96

Inspector (signature) \_\_\_\_\_

Date 9-13-96Page 7 of 10

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## HAZARDOUS WASTE INSPECTION REPORT TSD FACILITIES - SURFACE IMPOUNDMENTS

Site Name BOYERTOWN LANDFILL ID Number PAID 048403005 Date 9-13-96

1-No Violation Observed    2-Not-Applicable    3-Not-Determined    4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION	LINE NUMBER
1	2	3	4			
		X		Surface impoundment managed to maintain at least 60 cm (2ft.) of freeboard	265.222	H366
				Protective cover on earthen dikes, such as suitable vegetation, rock rip-rap or non-erodible material to minimize wind and water erosion	265.223	H367
		✓		Waste analysis and/or trial tests conducted when hazardous wastes substantially different from wastes previously treated or stored, or when hazardous waste is chemically treated with a substantially different process than any previously used in that impoundment	265.225(a)	H368
			X	Freeboard level inspected once each operating day	265.226(1)	H369
			X	Surface impoundment, including dikes and vegetation surrounding the dike, inspected once each week	265.226(2)	H370
		X		Placement of ignitable or reactive waste only with Department's approval	265.229	H371
				Precautions taken for handling ignitable, reactive or incompatible material	265.230	H372
		✓		Closure and post-closure requirements complied with	265.228(a-c)	H373

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## HAZARDOUS WASTE INSPECTION REPORT

### TSD FACILITIES - LANDFILLS

Site Name BOYERTOWN LANDFILL ID Number PAD 048603005 Date 9-13-96

1-No Violation Observed    2-Not-Applicable    3-Not-Determined    4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION	LINE NUMBER
1	2	3	4			
		X		Run-on diverted away from the facility	265.302(a)(1)	H425
				Run-off collection system properly designed, constructed, operated and maintained	265.302(a)(2)	H426
				Run-off collected from the active portions and managed as a hazardous waste if it is a hazardous waste	265.302(a)(2)	H427
				Facility is managed to prevent wind dispersal of hazardous waste	265.302(a)(4)	H428
				The exact location and dimension, including depth of each cell with respect to permanently surveyed benchmarks kept on map in operating record	265.309(1)	H429
		✓		The contents of each cell and the approximate location of each hazardous waste type within each cell kept in operating record	265.309(2)	H430
			X	Closure and post-closure requirements complied with	265.310	H431
		X		Ignitable and reactive wastes disposed with Department approval	265.312	H432
				Precautions taken for the disposal of incompatible wastes and materials	265.313	H433
				Hazardous wastes disposed contain greater than 20% solids content by dry weight, are not flowable and do not contain free liquid	265.314	H434
		✓		Empty containers crushed flat, shredded or similarly reduced in volume before disposal	265.315	H435



**Hazardous Waste Inspection Report  
TSD Facilities - Part B**

1-No Violation Observed    2-Not-Applicable    3-Not-Determined    4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION
1	2	3	4		
			X	Approved groundwater sampling and analysis plan developed and implemented	265.92(a)
		X		Adequate protection for groundwater monitoring wells	265.92(d)
				Groundwater quality assessment and abatement outline on the premises	265.93(a)
				Closure plan on the premises and up-to-date	265.112(a)
				Post-closure plan on the premises and up-to-date	265.118(a)
				Annual closure cost estimate on the premises and up-to-date	265.142(a)
		✓		Annual post-closure cost estimate on the premises and up-to-date	265.144(a)

MUNICIPAL WASTE VIOLATIONS

X	SAFETY HAZARD	273.19(b)
X	FAILING TO SEND TREATED LEACHATE TO A POTW	273.272(a)
X	QUARTERLY & ANNUAL GROUNDWATER SAMPLING	273.294
X	DAILY RECORDS	273.311

# Hazardous Waste Inspection Report

## TSD Facilities - Part B

1-No Violation Observed

2-Not-Applicable

3-Not-Determined

4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION
1	2	3	4		
		X		Facility equipped with fire control, spill control, and decontamination equipment	265.32(3)
				Facility equipped with water at adequate volume and pressure to supply fire control equipment	265.32(4)
				Facility communications or alarm systems, fire control, spill control, and decontamination equipment tested and maintained	265.33
		✓		Adequate aisle space maintained to allow unobstructed movement of personnel and equipment during emergencies	265.35
			X	Contingency plan onsite and implemented	265.51(a)
				Contingency plan describes action taken by personnel in the event of an emergency	265.52(a)
				Contingency plan describes arrangements agreed to for outside emergency services such as police and fire department, hospitals, contractors, etc.	265.52(c)
				Contingency plan contains an up-to-date list of names, addresses and phone numbers of all persons qualified to act as emergency coordinator	265.52(d)
				Contingency plan contains list of emergency equipment including location, physical description and capabilities of each item	265.52(e)
				Contingency plan contains an evacuation plan if there is a possibility that evacuation could be necessary	265.52(f)
				Emergency coordinator designated and on the premises or on call	265.55
				Facility accepting only PA manifests	265.71(a)
				Manifest properly completed and routed within time limits	265.71(b)(c)
		✓		Manifest discrepancies resolved or reported within time limits	265.72(b)
			X	Written operating record maintained on the premises	265.73(a).
	X			Written operating record contains description and quantity of wastes and method of treatment, storage or disposal	265.73(b)(1)
				Written operating record contains location and quantity of each hazardous waste	265.73(b)(2)
				Written operating record contains results of waste analyses and treatability tests	265.73(b)(3)
				Written operating record contains reports and details of all incidents	265.73(b)(4)
				Written operating record contains records and results of all inspections	265.73(b)(5)
				Written operating record contains required monitoring, testing, and analytical data	265.73(b)(6)
				Written operating record contains closure and post-closure cost estimates	265.73(b)(7)
				All records retained on premises and available for inspection	265.74(a)
				Quarterly reports submitted to DER	265.75(a)
				Emissions, discharges, fires, explosions, and groundwater contamination reported as required	265.77(a)
	✓			Groundwater monitoring wells located at approved sites	265.90(b)

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

**HAZARDOUS WASTE INSPECTION REPORT  
TSD FACILITIES - PART B**

Site Name BOYERTOWN LANDFILL ID Number PAD 048603005 Date 9-13-96

Hazardous Waste Inspection Report  
TSD Facilities - Part B

1-No Violation Observed 2-Not-Applicable 3-Not-Determined 4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION
1	2	3	4		
		X		Part A permit application submitted	265.1(b) 265.431(a)
				Identification number	265.11
				Wastes accepted at facility transported by haulers licensed by DER to transport hazardous waste	265.11(a)
				Waste streams not covered by permit approved by DER before acceptance	265.13(a)
				Chemical and physical analysis repeated as required	265.13(a)(1-3)
				All waste shipments inspected and analyzed when necessary	265.13(b)
				Waste analysis plan on-site	265.13(c)
				24 hr. surveillance at active portion	265.14(b)(1)
				Artificial barrier around active portion	265.14(b)(2)
				Proper signs posted at each entrance, minimum 4 inch lettering	265.14(c)
				Facility inspection schedule on-site	265.15(b)(1)
				Maintenance schedule onsite for equipment or structures which reveal deterioration or malfunction	265.15(d)
				Immediate remedial action taken where a hazard is imminent or has already occurred	265.15(d)
				Approved on the job or classroom personnel training program implemented	265.16
				Records retained for each employee at facility of training, job title, and job description	265.16(f);(g)
				Ignitable or reactive wastes separated from source of ignition or reaction	265.17(a)
				No smoking signs displayed where there are hazards from ignitable or reactive wastes	265.17(a)
				Treatment, storage, disposal of ignitable or reactive wastes or mixing of incompatible wastes or materials conducted according to requirements	265.17(b)
				Facility maintained/operated to minimize possibility of fire, explosion, or discharge of hazardous waste or hazardous constituents	265.31
				Facility equipped with internal alarm capable of providing immediate emergency instruction to personnel	265.32(1)
		Y		Device for summoning outside emergency assistance available at scene of operations	265.32(2)

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENTHAZARDOUS WASTE INSPECTION REPORT  
TSD FACILITIES - PART A

Date of Inspection 9-13-96 Time start \_\_\_\_\_ Time finish \_\_\_\_\_  
Name of Inspector CHARLES FEES  
Company, installation name BOYERTOWN LANDFILL  
Location 300 MERCEL RD. GILBERTSVILLE, PA. 19525  
County MONTGOMERY Municipality DOUGLASS TWP  
Identification number PAD 048603005  
Name of responsible official WARREN FRANE  
Title OWNER / PRESIDENT  
Mailing Address 1205 POTTSTOWN PIKE, GLENMOORE PA. 19343  
Area code and telephone number (610) 458-5300  
Name of person interviewed \_\_\_\_\_  
Title \_\_\_\_\_  
Mailing address (if different from above) \_\_\_\_\_  
Area code and telephone number \_\_\_\_\_

## 1. Site characterization:

- a. ☒ Treatment - ☐ surface impoundments ☐ chemical ☒ physical ☒ biological  
b. ☒ Storage - ☐ containers ☐ tanks ☒ surface impoundments ☐ waste piles  
c. ☐ Disposal - ☐ land treatment ☐ landfill ☐ incineration ☐ thermal treatment  
d. ☐ Use ☐ reuse ☐ recycle ☐ reclaim

2. Does the facility generate hazardous waste? ☒ Yes ☐ No

## 3. Types of hazardous waste produced by Hazardous Waste Number:

F039 MULTI-SOURCE LEACHATE4. Are hazardous wastes transported off-site by the facility? ☐ Yes ☒ No

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCESP. O. BOX 2063  
HARRISBURG, PA 17120

## COMPLIANCE ORDER

OPERATOR NAME Boyertown Sanitary Disposal Company, Inc.			DER DOCKET NUMBER (Office Use Only) 95001
ADDRESS R. D. #1, Box 360, Glenmoore, PA 19343			PERMIT NUMBER 100550
FACILITY OR SITE Boyertown Sanitary Disposal Company, Inc.			LICENSE NUMBER (TRANSPORTER) N/A
FACILITY OR SITE LOCATION 300 Merkel Road, Gilbertsville, Montgomery County			MUNICIPALITY Douglass
NAME AND TITLE OF PERSON SERVED			COUNTY Montgomery
DATE OF INSPECTION 3/20/95	TIME OF INSPECTION FROM AM TO AM P.M. P.M.	DATE OF SERVICE 3/22/95	DER REGION AND PHONE NUMBER Southeast (610)-832-6213

The Department of Environmental Resources is the agency with authority to administer and enforce the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 *et seq.*, the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, 35 P.S. Section 6018.1 *et seq.*, and the Rules and Regulations of the Environmental Quality Board adopted thereunder.

The undersigned authorized representative of the Department has conducted an inspection of the above site on the above date and has determined that violations listed in attachment(s) exist. This order constitutes a separate order for each violation listed.

Pursuant to Section 610 the Clean Streams Law 35 P.S. §691.610, Section 602 of The Solid Waste Management Act 35 P.S. 6018.602, and Section 1917-A of the Administrative Code (71 P.S. §510-17), it is hereby ordered that the operator shall perform the corrective actions listed in the attachment within the designated abatement time.

Under Section 608 of the Solid Waste Management Act, upon completion of the actions required by the order, you are required to submit a written report describing the means by which the violations noted herein were corrected.

## APPEAL NOTICE

This action of the Department may be appealable to the Environmental Hearing Board, 101 South Second Street, Suite 3-5, Harrisburg, PA 17101 (717-787-3483) by any aggrieved person pursuant to Section 4 of THE ENVIRONMENTAL HEARING BOARD ACT, 35 P.S. §7514; and the Administrative Agency Law, 2 Pa. C.S., Chapter 5A. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the regulations governing practice and procedure before the Board may be obtained from the Board. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Nothing contained in the order shall be construed to relieve or limit the obligations of the above mentioned operator to comply with the terms and conditions of any permit existing or hereafter issued by the Department to the operator, or to limit any civil or criminal liability of the operator. Additional requirements may be imposed in the future by subsequent Department orders or other actions. Your prompt compliance with this order will be considered when assessing a civil penalty for the violation(s) which is(are) the subject of this order.

The undersigned operator/authorized representative, hereby acknowledges receipt of this order and attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed in the attachment(s) have occurred or continue to occur.

Operator/Representative Signature &amp; Title

Warren X. Frame

acknowledge of receipt only

Department Representative

Name &amp; Title

Carol Sharp

Waste Management Compliance Specialist

Signature

Carol R Sharp

1062

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCESP. O. BOX 2083  
HARRISBURG, PA 17120

ORDER (Continuation)

DER Docket Number  
95001

## PARAGRAPH —

**Description of Violation:** Failure to maintain two feet of freeboard in the hazardous waste surface impoundment used for the collection of raw, untreated leachate. Such failure has caused and continues to threaten to cause an unpermitted discharge of leachate (which is a polluting substance and solid waste) onto and into the surface of the ground and waters of the Commonwealth.

**Location of Violation:** Hazardous waste surface impoundment used for the collection of raw, untreated leachate located at Boyertown Sanitary Disposal Company, Inc., 300 Merkel Road, Gilbertsville, PA 19525, Douglass Township, Montgomery County.

**Provisions of Regulation, Statute or Permit Violated:** 25 PA Code § 265.222, 25 PA Code § 101.2 and 101.3 (a), 35 PS §§ 6018.401 (a), 6018.601 6018.610 (1), (2), (4) and (9), and 35 PS § 691.611.

**Corrective Action Required or Activity to be Cessed:** Achieve and maintain a minimum freeboard of two feet in the raw, untreated hazardous waste leachate surface impoundment within 24 hours of service of this order. Boyertown Sanitary Disposal Company, Inc. and or Warren Frame shall contact Robert France, Solid Waste Operations Supervisor, by telephone at (610) 632-6147 by 4 p.m. on March 22, 1995 to provide an oral schedule for compliance with this order.

**Required Abatement Date:** 24 hours from service of this order.

Date of Service 3/22/95 Time: 10:50  
 Signature: Carol K. Syc. 1.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Dates of inspection 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/5 Identification Number PAD 048603005  
4/3, 4/13, 4/19, 4/20, 4/25, 4/26, 5/2, 5/4, 1995Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

May 2, 1995 I visited the landfill to observe the leachate basins. The raw leachate basin appeared to have a minimum freeboard of 8 to 10 inches. Treated leachate basin 'A' appeared empty. Basin 'B' appeared full.

May 4, 1995 I visited the landfill to observe the leachate basins. The raw lagoon appeared to have a minimum freeboard of 10 to 12 inches. This was the most freeboard in this lagoon since the crisis began on 3-17-95. Basin 'A' appeared empty. Basin 'B' appeared to be about one-third empty.

My inspection on 5-4-95 concludes the visits of PA DER personnel to Boyertown Landfill that are documented on this inspection narrative.

The following information was gleaned from subsequent phone calls:

May 8, 1995, I spoke with Jim Brady (BMMA) -Jim Brady said that Wastex, Inc. re-sampled the treated leachate basins 'A' and 'B' on 4-24-95. The results were reported 4-26-95. The Cyanide (CN-) concentration was at an acceptable level and BMMA would permit BSD to discharge its leachate to the authority's treatment plant. Basin 'A' began to be discharged 4-26-95. By 5-3-95, basin 'A' was empty. On 5-4-95, basin 'B' started to be discharged.

May 10, 1995, from Charlie Fees (PA DER) to Byron Wenger (BSD) -Byron Wenger stated that, as of this

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Person interviewed (signature)

*Copy mailed to Warren Zame*

Date

*7/7/95*

Inspector (signature)

*Charlie J. Fees*

Date

*7/7/95*

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

INSPECTION REPORT COMMENTS

Dates of inspection 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/5 Identification Number PAD 048603005  
4/3, 4/13, 4/19, 4/20, 4/25, 4/26, 5/2, 5/4, 1995

Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

April 26, 1995 Tom Cunningham and PA DER solid waste specialist, Paul Handke, conducted groundwater sampling at the landfill.

Violations observed:

- 1.) 25 Pa Code 265.92(a) and  
25 Pa Code 273.284 "Annual groundwater sampling"

Comment: BSD failed to conduct the annual compliance-monitoring-evaluation (CME) sampling of its monitoring wells. This necessitated the Department to conduct its own sampling of this facility, as evidenced by the sampling event conducted on 4/25-26/95.

- 2.) 25 Pa Code 265.92(a) and  
25 Pa Code 273.284 "Quarterly groundwater sampling"

Comment: According to Departmental records, BSD has failed to conduct quarterly (every three months) sampling of its monitoring wells. BSD has not submitted any groundwater data since the second quarter of 1993.

- 3.) 25 Pa Code 265.310(c)(2) "Closure and Postclosure maintenance and monitoring of the groundwater monitoring system"

Comment: As stated, BSD has not fulfilled its closure requirements in this area since 1993.

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Inspector (signature) Charles J. Zee Date 7/7/95



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3/24/95 Basin 'A' 0.08 mg/lit Cyanide Present from BSD was Byron Wenger  
4/10/95 Basin 'A' 0.19 mg/lit Cyanide  
4/10/95 Between the Carbon Towers 0.33 mg/lit Cyanide

J. Brady stated that leachate with these concentrations of Cyanide are unacceptable for treatment at the BMMA. The BMMA limit is 0.02 mg/lit. Therefore no leachate could be accepted based on these results.

During the afternoon, Tom Cunningham visited the landfill and pulled samples from the raw leachate lagoon as well as from Basins 'A' and 'B'.

**April 25, 1995** PA DER waste management specialist, Maura Trimble, Tom Cunningham, and I visited the landfill and prepared for groundwater sampling. Present from BSD was Byron Wenger. It appeared, by visual observation, that the raw leachate lagoon had a freeboard of 6 to 8 inches. I stayed at the landfill for one hour, and then left to attend to other work related business. M. Trimble and T. Cunningham remained onsite. They performed a purging of the monitoring wells located on the landfill property.

It was learned, via a phone conversation with Byron Wenger, that BSD personnel had processed some raw leachate through the onsite pretreatment plant. This was done on Friday 4-21-95. The purpose, according to Mr. Wenger, was to increase the freeboard of the raw lagoon by lowering the leachate level. This provided extra capacity for the lagoon to accept a greater incoming leachate flow, in anticipation of a weekend storm.

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Inspector (signature) Charles J. Lee Date 7/7/95

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4/3, 4/13, 4/19, 4/20, 4/25, 4/26, 5/2, 5/4, 1995

Identification Number PAD 048603005

Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

Dinesh Rakotjia	-engineer
Thomas Cunningham	-hydrologist
Charlie Fees	-solid waste specialist

Byron Wenger was present from BSD. The purpose of this visit was twofold:

1. D. Rakotjia and M. Aresary conducted a visual survey of the leachate and storm water basins.
2. T. Cunningham and C. Fees measured the freeboard of the raw leachate lagoon. Surveying equipment was used to measure the freeboard levels.

The raw leachate lagoon was observed to have a freeboard of 1 to 3 inches. This was less freeboard than was observed on 4-3-95. Byron Wenger stated that the latest Wastex, Inc. analyses showed that the cyanide levels in both Basin's 'A' and 'B' were too high to be accepted by the BMMA. As a result BSD personnel had pumped some leachate from Basin 'B' back to the raw lagoon. That is one reason why the raw leachate lagoon appeared nearly full (4-19-95) whereas the level was observed to be lower on 4-3-95. This disturbing turn of events precipitated the second major crisis of at this facility.

April 20, 1995 An internal meeting was held at about 10 am. Discussion centered around how to encourage BSD owner, Mr. Warren Frame, comply with Departmental regulations, by properly running the leachate system (as well as adhere to all the other post closure requirements) so as to eliminate the frequent crises situations occurring at this landfill.

Via a phone conversation with Jim Brady (from the BMMA) it was learned that Wastex, Inc., test samples from the two basins yielded the following results:

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Date

*7/7/95*

Inspector (signature)

*Charlie Fees*

Date

*7/7/95*

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**April 3, 1995** I visited the landfill to observe the lagoons. Basin 'B' appeared to be three-quarters empty. The raw lagoon had a freeboard of about 1 to 3 inches, by a visual observation.

**April 13, 1995** I visited the landfill to observe the lagoons. Basin 'B' was full, that is, with the required two (2) feet of freeboard. Presumably, Basin 'B' was filled with leachate from the raw leachate lagoon. Leachate is pumped from the raw lagoon through the onsite 'pretreatment' plant, and then to either Basins 'A' or 'B'. The raw leachate lagoon itself had a minimum freeboard of 6 to 8 inches, by visual observation. This was not the two (2) feet required by the field compliance order of 3-22-95, but it was the most freeboard since the crisis began on 3-17-95.

Violations Observed:

- 1.) 25 Pa Code 265.91(d)(2) "Monitoring wells locked"

Comment: Monitoring Well no. nine (9) was reported to have no cap lock during the inspection of 3-23-95. On 4-13-95, this well was again observed to be lacking a lock. Pictures were taken of this well.

**April 19, 1995** Boyertown Landfill was visited by four PA DER personnel:

Matthew Aresary -engineer

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Date

*7/7/95*

Inspector (signature)

*Charlie Zee*

Date

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- 4.) 25 Pa Code 265.226(1) "Surface impoundment freeboard level inspected daily"  
5.) 25 Pa Code 265.226(2) "Surface impoundment, including dikes and vegetation surrounding the dike inspected once each week.

Comment: BSD failed to maintain two feet of freeboard in the raw leachate lagoon, and failed to produce daily records to show that the landfill and impoundments are being maintained properly. Thus BSD is considered in noncompliance with its inspection requirements.

In addition to the above violations, one observation was made which is listed as being a "non-determined" compliance issue:

25 Pa Code 273.201(c)(2) "Gas plan implemented"

Comment: It was observed that the flare house, located at the southeast corner of the landfill was not being utilized. The door of this shack had been completely banged in, allowing easy entry by unauthorized personnel. At time of our visit the flare was not working.

March 24/25, 1995 BMMA, received the chemical analyses (from Wastex Lab) of treated leachate from Basin 'B'. After reviewing the data, the BMMA personnel decided that this leachate was suitable for discharge to the municipal treatment plant. The pump was turned on, and the draining of Basin 'B' was begun. Because of the slow flow rate, it would take nearly a week (7 days) to completely empty this basin.

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lagoon, in accordance with Section 265.222 of the Department's Hazardous Waste Management regulations.

**March 23, 1995** Carol Sharp, Jay Maneval, and I visited BSD, for the purpose of measuring the freeboard around the raw leachate lagoon. The freeboard is the vertical distance between the waterline and the spot where the liner meets the surrounding grass and dirt. The freeboard measured by C. Sharp and J. Maneval ranged from 0 inches to 12 inches.

Violations observed:

- 1.) 25 Pa Code 265.91(d)(2) "Monitoring wells locked"

Comment: It was observed that well no. nine (9) had no lock. It appeared that the hasp had been ripped off. The cap of this well was easily removed by hand.

- 2.) 25 Pa Code 265.73(a)(b) "Operating record"

- 3.) 25 Pa Code 273.311(a) "Daily records kept"

Comment: Daily operational records were not available at time of inspection. Past records had been taken from the cabinet and thrown on the floor during an act of vandalism. Some of the papers were smeared with oil. BSD personnel indicated that daily records have not been kept since the vandalism that occurred during the Christmas holiday.

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**March 19, 1995** Carol Sharp visited the landfill. No BSD personnel were observed to be present. She reported that the water level was below the top of the berm.

**March 20, 1995** PA DER Water Quality Specialist Jay Maneval and I conducted water sampling at BSD. On this date the stream (minister creek), the storm water sedimentation pond, and the outfall from this pond were sampled.

**March 21, 1995** Jay Maneval and I continued sampling at BSD. On this date, treated leachate lagoons, Basin A and Basin B, were sampled. The raw leachate lagoon was also sampled. I drove the samples to the PA DER laboratory in Harrisburg. The samples were received by chemist Dennis Neuin. The samples were analyzed for various inorganic constituents, including, but not limited to metals, cyanide, biological oxygen demand (bod), and pH. These parameters are covered under PA DER Bureau of Laboratories Code "210". Analyses specified under this code was chosen to satisfy the request from the BMMA that tests be performed on those parameters that are found the Environmental Protection Agency's (EPA) Table 'A' analyte list.

**March 22, 1995** Carol Sharp and Solid Waste Supervisor Robert France hand delivered a field compliance order to Mr. Warren Frame, the owner of Boyertown Landfill (BSD).

This order required Mr. Frame to maintain a minimum freeboard level of two (2) feet in the raw leachate lagoon, in accordance with Section 265.222 of the Department's Hazardous Waste Management regulations.

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Comment: By allowing the raw leachate lagoon to overflow, BSD is in noncompliance with the these regulations. (The overflow situation was corrected on 3-18-95, but the required two(2) feet of freeboard was not attained in the period of time covered by this report.)

- 3.) 25 Pa Code 265.56 "Emergency procedures: notification of designated response facilities and the subsequent containment and cleanup of a fire, explosion, emission or discharge."

Comment: BSD personnel did not notify the Department of the discharge of leachate when the raw lagoon overflowed. Also BSD did not initiate any remedial action to contain the overflow. It was PA DER personnel who first reported and responded to this discharge.

- 4.) 25 Pa Code 270.1(a) and Act 97, Section 401(a) "No person or municipality may operate a hazardous waste disposal facility without first obtaining a permit from the Department."

Comment: BSD was in violation of the above regulation/statute when it allowed its hazardous waste leachate impoundment to overflow.

**March 18, 1995** In Carol Sharp's inspection report of 3/18/95 she states that she observed Mr. Frame pumping raw leachate from the lagoon into a tanker truck.

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The following is a summary of visits to Boyertown Landfill from March to May, 1995.

At the end of this report are listed the violations of the Pennsylvania Hazardous Waste and Residual waste management regulations.

**March 17, 1995** Relevant to the inspection report of 3/17/95, PA DER Compliance Specialist Carol Sharp first observed that BSD's raw leachate lagoon was overflowing. No BSD personnel were onsite. Back in the office later the same day, the Department held an emergency meeting on how to resolve this situation. The owner of BSD, Mr. Warren Frame, could not immediately be reached by phone. The Berks-Montgomery Municipal Authority (BMMA) was contacted. BMMA operator Jim Brady stated that he could not accept treated leachate until BSD conducted a chemical analyses of the treated leachate and submitted them to BMMA. In particular, the BMMA was concerned with the concentration of cyanide(CN-).

At about 6:15 PM Mr. Frame was contacted by phone and informed that the BSD raw leachate lagoon was overflowing. He agreed to bring liquid tanker trucks onsite to temporarily store some of the leachate an attempt to stop the overflow.

Violations Observed

- 1.) 25 Pa Code 265.222 "Hazardous Waste surface impoundments shall be maintained to prevent overflowing and the impoundment shall have a minimum freeboard of two (2) feet".
- 2.) 25 Pa Code 265.310(c)(3) "Closure and Postclosure maintenance & monitoring of the leachate collection, removal, and treatment system."

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**Hazardous Waste Inspection Report  
TSD Facilities - Part B**

1-No Violation Observed    2-Not-Applicable    3-Not-Determined    4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION
1	2	3	4		
			X	Approved groundwater sampling and analysis plan developed and implemented	265.92(a)
			X	Adequate protection for groundwater monitoring wells	265.92(d)
		X		Groundwater quality assessment and abatement outline on the premises	265.93(a)
		X		Closure plan on the premises and up-to-date	265.112(a)
		X		Post-closure plan on the premises and up-to-date	265.118(a)
		X		Annual closure cost estimate on the premises and up-to-date	265.142(a)
		X		Annual post-closure cost estimate on the premises and up-to-date	265.144(a)

X CLOSURE & POST CLOSURE LEACHATE  
MANAGEMENT REQUIREMENTS. 265.310(c)(3)

X CLOSURE & POST CLOSURE GROUNDWATER  
MONITORING REQUIREMENTS. 265.310(c)(2)

# Hazardous Waste Inspection Report

## TSD Facilities - Part B

1-No Violation Observed    2-Not-Applicable    3-Not-Determined    4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION
1	2	3	4		
		X		Facility equipped with fire control, spill control, and decontamination equipment	265.32(3)
				Facility equipped with water at adequate volume and pressure to supply fire control equipment	265.32(4)
				Facility communications or alarm systems, fire control, spill control, and decontamination equipment tested and maintained	265.33
		✓		Adequate aisle space maintained to allow unobstructed movement of personnel and equipment during emergencies	265.35
			X	Contingency plan onsite and implemented <i>ALSO 265.56</i>	265.51(a)
				Contingency plan describes action taken by personnel in the event of an emergency	265.52(a)
				Contingency plan describes arrangements agreed to for outside emergency services such as police and fire department, hospitals, contractors, etc.	265.52(c)
				Contingency plan contains an up-to-date list of names, addresses and phone numbers of all persons qualified to act as emergency coordinator	265.52(d)
				Contingency plan contains list of emergency equipment including location, physical description and capabilities of each item	265.52(e)
				Contingency plan contains an evacuation plan if there is a possibility that evacuation could be necessary	265.52(f)
				Emergency coordinator designated and on the premises or on call	265.55
				Facility accepting only PA manifests	265.71(a)
				Manifest properly completed and routed within time limits	265.71(b)(c)
		✓		Manifest discrepancies resolved or reported within time limits	265.72(b)
			X	Written operating record maintained on the premises	265.73(a)
		X		Written operating record contains description and quantity of wastes and method of treatment, storage or disposal	265.73(b)(1)
				Written operating record contains location and quantity of each hazardous waste	265.73(b)(2)
				Written operating record contains results of waste analyses and treatability tests	265.73(b)(3)
				Written operating record contains reports and details of all incidents	265.73(b)(4)
				Written operating record contains records and results of all inspections	265.73(b)(5)
				Written operating record contains required monitoring, testing, and analytical data	265.73(b)(6)
				Written operating record contains closure and post-closure cost estimates	265.73(b)(7)
				All records retained on premises and available for inspection	265.74(a)
		✓		Quarterly reports submitted to DER	265.75(a)
			X	Emissions, discharges, fires, explosions, and groundwater contamination reported as required	265.77(a)
		X		Groundwater monitoring wells located at approved sites	265.90(b)

COMMONWEALTH OF PENNSYLVANIA  
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BUREAU OF WASTE MANAGEMENT

## HAZARDOUS WASTE INSPECTION REPORT TSD FACILITIES - SURFACE IMPOUNDMENTS

Site Name BOYERTOWN ID Number PAD 048603005 Date \_\_\_\_\_  
LAND FILL

1-No Violation Observed    2-Not-Applicable    3-Not-Determined    4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION	LINE NUMBER
1	2	3	4			
			X	Surface impoundment managed to maintain at least 60 cm (2ft.) of freeboard	265.222	H366
X				Protective cover on earthen dikes, such as suitable vegetation, rock rip-rap or non-erodible material to minimize wind and water erosion	265.223	H367
X				Waste analysis and/or trial tests conducted when hazardous wastes substantially different from wastes previously treated or stored, or when hazardous waste is chemically treated with a substantially different process than any previously used in that impoundment	265.225(a)	H368
			X	Freeboard level inspected once each operating day	265.226(1)	H369
			X	Surface impoundment, including dikes and vegetation surrounding the dike, inspected once each week	265.226(2)	H370
X				Placement of ignitable or reactive waste only with Department's approval	265.229	H371
X				Precautions taken for handling ignitable, reactive or incompatible material	265.230	H372
		X		Closure and post-closure requirements complied with	265.228(a-c)	H373

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4/3, 4/13, 4/19, 4/20, 4/25, 4/26, 5/2, 5/4, 1995

Company/Facility/Site name Boyetown Sanitary Disposal Co., Inc. ("BSD")

- 5.) 25 Pa Code 265.91(d)(2) and 25 Pa Code 273.283(b)(6) "Monitoring wells locked" Noncompliance observed on 3/23/95 and on 4/13/95.

Note: this violation also noted, previously on 6/29/94.

- 6.) 25 Pa Code 265.226(1) "(Hazardous waste) surface impoundment freeboard level inspected once each operating day."

- 7.) 25 Pa Code 265.226(2) "(Hazardous waste) surface impoundment and surrounding structures inspected weekly"

- 8.) 25 Pa Code 265.73(a) "Written operating record maintained on premises."

- 9.) 25 Pa Code 273.311(a) "Daily records kept."

Non compliance observed 3/23 and 4/19, 1995. BSD personnel indicated that records have not been kept since 1994.

- 10.) 25 Pa Code 265.92(a) and 25 Pa Code 273.284 "Annual groundwater sampling"  
Noncompliance observed on 4/25 and 4/26, 1995.

- 11.) 25 Pa Code 265.92(a) and 25 Pa Code 273.284 "Quarterly groundwater sampling"  
Noncompliance observed on 4/25 and 4/26, 1995.

Note: the above groundwater violations also noted, previously on 6/29/94.

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Person interviewed (signature)

*Copy mailed to Warren Frame*

Date

*7/7/95*

Inspector (signature)

*Charles J. Lee*

Date

*7/7/95*

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

INSPECTION REPORT COMMENTS

Dates of inspection 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/5  
4/3, 4/13, 4/19, 4/20, 4/25, 4/26, 5/2, 5/4, 1995

Identification Number PAD 048603005

Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

conversation, basin 'A' was filled with treated leachate. This basin was scheduled to be sampled 5-11-95 by Wastex, Inc.

Violations summary

Listed below are all the violations of the Pennsylvania hazardous waste and municipal waste management regulations observed at the Boyertown Landfill, from the period 3/17 to 5/4, 1995.

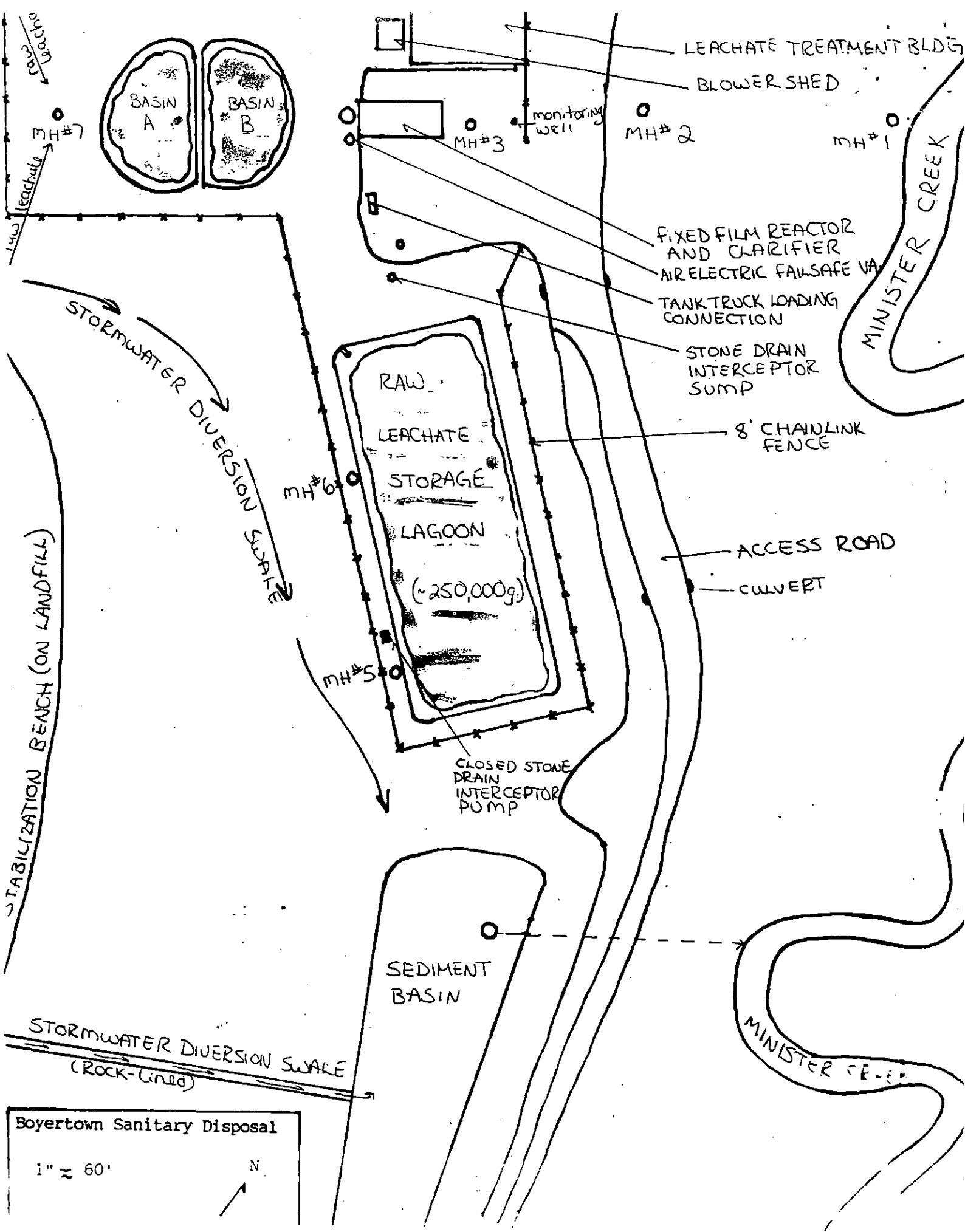
- 1.) 25 Pa Code 265.222 "Hazardous waste surface impoundment maintained with a freeboard of two(2) feet." Noncompliance observed on all of the days visited.
- 2.) 25 Pa Code 265.310(c)(3) "Closure and postclosure leachate management requirements" Noncompliance observed on all of the days visited.
- 3.) 25 Pa Code 256.56 "Emergency procedures implemented" Noncompliance observed 3/17/95
- 4.) 25 Pa Code 270.1(a) and Act 97, Section 401(a) "No person or municipality may dispose of hazardous waste without a permit." Noncompliance observed on 3/17/95.

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Person interviewed (signature) Cops mailed to Warren Frame Date 7/7/95  
Inspector (signature) Charles J. Zille Date 7/7/95  
Page 15 of 17



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

INSPECTION REPORT COMMENTS

Dates of inspection 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/5  
4/3, 4/13, 4/19, 4/20, 4/25, 4/26, 5/2, 5/4, 1995

Identification Number PAD 048603005

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- 12.) 25 Pa Code 265.310(c)(2) "Closure and postclosure maintenance and monitoring of groundwater monitoring system" Noncompliance observed 4/25 and 4/26, 1995.

It is recommended that Boyertown Sanitary Disposal start complying with all the closure requirements for the upkeep and maintenance of the Boyertown Landfill.

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Inspector (signature) Ken J. Zies Date 7-7-95

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

**HAZARDOUS WASTE INSPECTION REPORT  
TSD FACILITIES - PART B**

Site Name BOYERTOWN LNDFL ID Number PAD 048603005 Date \_\_\_\_\_

Hazardous Waste Inspection Report  
TSD Facilities - Part B

1-No Violation Observed 2-Not-Applicable 3-Not-Determined 4-Non-Compliance

STATUS				REQUIREMENT	CHAPTER CITATION
1	2	3	4		
		X		Part A permit application submitted	265.1(b) 265.431(a)
				Identification number	265.11
				Wastes accepted at facility transported by haulers licensed by DER to transport hazardous waste	265.11(a)
				Waste streams not covered by permit approved by DER before acceptance	265.13(a)
				Chemical and physical analysis repeated as required	265.13(a)(1-3)
				All waste shipments inspected and analyzed when necessary	265.13(b)
				Waste analysis plan on-site	265.13(c)
				24 hr. surveillance at active portion	265.14(b)(1)
				Artificial barrier around active portion	265.14(b)(2)
				Proper signs posted at each entrance, minimum 4 inch lettering	265.14(c)
				Facility inspection schedule on-site	265.15(b)(1)
				Maintenance schedule onsite for equipment or structures which reveal deterioration or malfunction	265.15(d)
				Immediate remedial action taken where a hazard is imminent or has already occurred	265.15(d)
				Approved on the job or classroom personnel training program implemented	265.16
				Records retained for each employee at facility of training, job title, and job description	265.16(f);(g)
				Ignitable or reactive wastes separated from source of ignition or reaction	265.17(a)
				No smoking signs displayed where there are hazards from ignitable or reactive wastes	265.17(a)
				Treatment, storage, disposal of ignitable or reactive wastes or mixing of incompatible wastes or materials conducted according to requirements	265.17(b)
				Facility maintained/operated to minimize possibility of fire, explosion, or discharge of hazardous waste or hazardous constituents	265.31
				Facility equipped with internal alarm capable of providing immediate emergency instruction to personnel	265.32(1)
			✓	Device for summoning outside emergency assistance available at scene of operations	265.32(2)



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

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**HAZARDOUS WASTE INSPECTION REPORT  
TSD FACILITIES - PART A**

3/17, 3/18, 3/19, 3/20  
3/21, 3/22, 3/23, 3/24, 3/25, 4/3, 4/13, 4/19, 4/20, 4/25, 4/26  
Date of Inspection 5/2, 5/4, 1995 Time start \_\_\_\_\_ Time finish \_\_\_\_\_  
Name of Inspector CHARLIE FEES  
Company, installation name BOYERTOWN LANDFILL  
Location 300 MERKEL RD. ALBERTSVILLE, PA. 19525  
County MONTGOMERY Municipality DOUGLASS TWP.  
Identification number EPA ID PAD048603005  
Name of responsible official WARREN FRAME  
Title OWNER / PRESIDENT  
Mailing Address 1205 POTTSTOWN PIKE, GLENMOORE, PA. 19343  
Area code and telephone number (610) 450-5300  
Name of person interviewed BYRON WENGER  
Title ASSISTANT  
Mailing address (if different from above) \_\_\_\_\_  
Area code and telephone number \_\_\_\_\_

1. Site characterization:

- a. ☒ Treatment - ☐ surface impoundments ☐ chemical ☒ physical ☒ biological  
b. ☒ Storage - ☐ containers ☐ tanks ☒ surface impoundments ☐ waste piles  
c. ☐ Disposal - ☐ land treatment ☐ landfill ☐ incineration ☐ thermal treatment  
d. ☐ Use ☐ reuse ☐ recycle ☐ reclaim

2. Does the facility generate hazardous waste? ☒ Yes ☐ No

3. Types of hazardous waste produced by Hazardous Waste Number:

F039 MULTI-SOURCE LEACHATE

4. Are hazardous wastes transported off-site by the facility? ☐ Yes ☒ No

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Dates of inspection 10/20/95 and 10/23/95Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

- 7.) 25 Pa Code 287.101(a) and Section 301 of the Solid Waste Management Act  
"Operator disposed of residual waste without having first obtained a permit from the Department"
- 8.) 25 Pa Code 101.3(a) "Operator did not take measures to prevent a polluting substance (oil) from reaching the waters of the Commonwealth of Pa."

In order for Boyertown Landfill to return to compliance with the Pa. regulations, the following is recommended:

- a.) Boyertown Landfill should immediately cease the unauthorized leachate recirculation and fill in the the illegal slash pit that was dug on top of the landfill.
- b.) Boyertown Landfill should immediately clean up the oil which spilled from the tanker truck. All contaminated soil should be removed to an approved disposal facility as well.

In summary, **8 violations** observed. A **Notice-of -Violation** will be issued.

Note: The 12 violations documented in the inspection report of 5-4-95 are still outstanding and should be corrected. The Notice -of -Violation will only address those violations observed during this current inspection report of October 20,23, 1995.

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Person interviewed (signature)

*Copy mailed to*FRANK CONTRACTING  
1205 POTTSTOWN PIKE  
GLENHORE, PA. 19343

Date

Inspector (signature)

*Charles J. Lee*

Date

11-17-95Page 11 of 11

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Dates of inspection 10/20/95 and 10/23/95Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

Warren Frame agreed only to clean up the oil-contaminated soil. He did not agree to stop his leachate recirculation or to fill in the hole. He did say that he would erect safety fencing around the pit.

**Violations Summary**

The following regulatory violations were observed during these two days of inspections:

- 1.) 25 Pa Code 273.212(b) "Fence does not exist around landfill to prevent unauthorized access"
- 2.) 25 Pa Code 273.218 "Operator failed to prevent safety hazards and public nuisances at the landfill"  
( by digging the slash pit )
- 3.) 25 Pa Code 273.272(b) " Leachate not being handled by direct discharge, after pre-treatment  
to a publicly owned treatment works"  
(as a result of pumping this leachate back into the landfill)
- 4.) 25 Pa Code 264.305(13) " Leachate applied to the landfill without approval from the  
Department"
- 5.) 25 Pa Code 265.310(c)(1) " Operator failed to maintain the effectiveness and integrity of  
the landfill's final cover..."
- 6.) 25 Pa Code 299.218(c) "Operator failed to clean up a spill of oil - a residual waste"

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Inspector (signature) \_\_\_\_\_ Date \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

INSPECTION REPORT COMMENTS

Dates of inspection 10/20/95 and 10/23/95

Identification Number PAD 048603005

Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

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Mr. Frame was at his desk, along with Byron Wenger, his assistant.

**Warren admitted to cutting the slash pit on top of the landfill, and he admitted to pumping the contents at least one tanker (6000 gallons of leachate water) into this hole.**

We informed Mr. Frame that this activity is unlawful (unauthorized leachate recirculation as well as a serious safety hazard) and that he should fill in this hole immediately.

**Warren replied that he can't and he won't fill in this hole. He said that he will continue to pump leachate back into the landfill because he is not permitted to discharge to the Berks-Montgomery-Municipal Authority (BMMA).**

( Prior to our visit, I spoke via phone to Jim Brady from the BMMA. He informed me that the Authority has denied permission for B.Landfill to discharge its leachate. The reason is that the cyanide level tested slightly too high - 0.03mg/lit. The allowable limit is 0.02mg/lit. Jim Brady said that B. Landfill has not discharged its leachate to the Authority since May 23, 1995. )

So, in light of this restriction, Mr. Frame stated that he is pumping leachate back into the landfill, rather than let the lagoon overflow.

We left Mr. Frame's office with the recommendation that he halt his leachate recirculation activities and that he clean up the oil-contaminated ground by the tanker. Also, because of his activities, the department will issue Boyertown Landfill a Notice-of-Violation.

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Inspector (signature) \_\_\_\_\_ Date \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Dates of inspection 10/20/95 and 10/23/95Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")October 23, 1995

I returned to the Boyertown Landfill on this date (Monday)

Accompanied by Carol Canagiani (Pa Dep compliance specialist), we returned to the top of the landfill. The pit was still there, with water in the bottom. Carol took pictures of the pit, the earth moving machine (the bucket loader) and the pump.

At the leachate impoundment area we noticed that the pump, which we first observed 10-20-95, was connected with one hose directly to one of the tankers. The other end of the pump was resting in the raw leachate impoundment, but at that moment the pump was not running.

There were two tanker trucks outside the impoundment fence. One of the tankers was leaking an oily substance. (Tanker "3", also numbered V791) Oil covered a wide area under the tanker, about 6 feet by 5 feet. Some oil had dripped into a swale which leads to Minister Creek. Because oil had entered the stream, we grabbed a water sample and a soil sample and sent it to the lab. (for TPH, VOA, and UV-IR analysis). On the spot, we placed the cap back onto the pipe to stop the leak. Absorbent pads were placed on the ground beneath the tanker, as well as in the wetland adjacent to the creek.

After leaving the landfill, we drove to Warren Frame's office, located near the intersection of Routes 100 & 401 in Chester County (Ludwigs Corner).

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Inspector (signature) \_\_\_\_\_ Date \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Dates of inspection 10/20/95 and 10/23/95Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

The raw leachate lagoon had 1 1/2 feet of freeboard. The treated lagoon A had barely six (6) inches of freeboard, while the treated lagoon B had 1 1/2 feet. The Pa waste management regulations require a minimum of two (2) feet of freeboard ( 25 Pa Code 265.222).

ANALYSIS: The preceding observations leads me to suspect that the landfill personnel are filling the tanker trucks with leachate from the raw lagoon, driving this tanker half-way up the landfill slope, and then pumping this water into the large pit.

After retrieving the barrels, Tom and I left the landfill. We drove into Gilbertsville, and phoned the office to inform Robert France (Pa Dep supervisor, Montgomery County) of our findings.

This landfill pit was deep, had vertical walls, was not shored up, and showed signs of caving in. For this reason we drove to the Douglass Twp. Municipal Building. There Tom Cunningham spoke, via phone, to Peter Hiryak, who is the Zoning officer. T. Cunningham stated his belief that this unsecured pit represented a grave public danger. This landfill is completely accessible to the public, and a victim who fell into the pit could easily be killed if the 12 foot walls caved in (buried alive). Mr. Hiryak indicated that he would inspect his excavation later on Friday evening.

Upon returning to the office, I attempted, unsuccessfully, to phone Mr. Warren Frame at his office ( Warren Frame is the landfill's owner, and he answers his phone to the title of "Frame Contracting" or "Tri-state Environmental". )

I left a message on Mr. Frame's answering machine, asking him to call me at my office on Monday morning.

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Dates of inspection 10/20/95 and 10/23/95Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")October 20, 1995

Today ( Friday,) Tom Cunningham (Pa Dep hydrogeolgist) and I made a site visit to Boyertown Landfill. This was done for the purposes of retrieving barrels used in well purging, for locating a hidden well (#10), and also for inspecting the leachate impoundments.

After locating the well, as we headed for the leachate impoundments, we saw a large earth moving machine. This machine, a bucket loader, was sitting on top of the landfill. This attracted our attention so we proceeded to investigate. We drove up to the loader.

We were surprised to find a deep, narrow pit. This pit appeared to be twelve (12) feet deep, six (6) feet wide and twenty five (25) feet long ! The bottom of the pit was filled with water, and dark green in appearance. Completely surrounding this hole was excavated soil and trash. This landfill has been closed since about 1988.

A large pump was located at the brink of this excavation. One hose reached down into the pit; the other hose ran down the side of the landfill slope to the nearest access road. We took pictures of the hole, pump, and the bucket loader.

We then went to the leachate impoundment area . There we saw another pump. This pump had one hose in the raw leachate lagoon and the other hose leading to the three (3) tankers located inside the fence. Outside the fence were two (2) more tankers as well as the 12,000 gallon tank. (This large tank was brought on site in

March, 1995, to temporarily hold landfill leachate to alleviate the crisis of the overflowing raw leachate lagoon). Inspection revealed that the flange had been removed - the tank was open - although it was still full of leachate.

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Inspector (signature) \_\_\_\_\_ Date \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

## INSPECTION REPORT COMMENTS

Dates of inspection 10/20/95 and 10/23/95Identification Number PAD 048603005Company/Facility/Site name Boyertown Sanitary Disposal Co., Inc. ("BSD")

The following is a report of the latest inspections of Boyertown Landfill.

The landfill was visited for the purposes of locating a hidden monitoring well. During the investigation, however, some serious waste management violations were discovered.

The inspection, which is found on the following pages, details the events of the visit of Friday, 10-20-95, and the return visit, to the landfill, on Monday 10-23-95.

The violations of the Pennsylvania Municipal and Hazardous Waste Management Regulations are summarized on the final page.

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Person interviewed (signature)

*Copy mailed to  
Glen Moore, Jr.*

FRAME CONTRACTING

1205 POTTSTOWN PIKE

GLEN MOORE, PH. 19343

Date

Date 11-17-95

Inspector (signature)



## INSPECTION REPORT - MUNICIPAL WASTE LANDFILL (Cont'd)

1-No Violation Observed 2-Not-Applicable 3-Not-Determined 4-Non-Compliance

STATUS				EMERGENCY PROCEDURES	CHAPTER CITATION	LINE ITEM
1	2	3	4			
		X		First aid facilities available; safety practiced.	273.301(a), (b)	169
		↓		Emergency equipment available and maintained.	273.302(a)-(d)	170
		✓		Contingency plan implemented when appropriate.	273.303(a)-(c)	171
				<b>SPECIAL HANDLING AND RESIDUAL WASTES</b>		
		X		Special handling and residual wastes accepted with prior Department approval, and in accordance with permit and Chapter 273.	273.501	172
				Infectious waste disposal restrictions adhered to.	273.511(a)-(e)	173
				Chemotherapeutic waste disposal restrictions adhered to.	273.512	174
				Sewage sludge co-disposal (≥ 25% total weight) and monofill (≥ 40% solids) requirements followed.	273.513(a), (b)	
				Sewage sludge analysis requirements adhered to and results submitted within time limits.	273.513(c)	176
				Disposal of municipal waste incineration ash in landfill or landfill cell that meets Chapter 273 requirements.	273.514(a)	177
				Ash residue disposal in dedicated landfill or landfill cell unless co-disposal in accordance with Chapter 273 (including leachability treatment).	273.514(b)	178
				Ash residue covered immediately or as approved by the Department.	273.514(c)	179
		✓		Residual waste analysis requirements adhered to and results submitted within time limits.	273.521	180
				<b>OTHER VIOLATIONS</b>		
		X		LANDFILL LEACHATE APPLIED BACK TO THE LANDFILL (RECIRCULATED) ONLY WITH DEPARTMENTAL APPROVAL	264.305(13)	
		X		EFFECTIVENESS AND INTEGRITY OF LANDFILL'S FINAL COVER MAINTAINED	265.310(c)(1)	
		X		SPILLS OF RESIDUAL WASTE PROMPTLY REMEDIATED	299.218(c)	
		X		SPILLS OF POLLUTING SUBSTANCES PREVENTED FROM REACHING THE WATERS OF THE COMMONWEALTH	101.3(a)	

**INSPECTION REPORT - MUNICIPAL WASTE LANDFILL (Cont'd)**

1-No Violation Observed 2-Not-Applicable 3-Not-Determined 4-Non-Compliance

STATUS				LINER SYSTEM (cont'd)	CHAPTER CITATION	LINE ITEM
1	2	3	4			
		X		Protective cover protects primary liner and leachate collection system and allows free flow of leachate into the collection system.	273.257(a)	145
				Protective cover meets minimum requirements and at least 18 inches thick.	273.257(b)	146
				Leachate collection system within protective cover meets minimum requirements.	273.258(a), (b)	147
				Barrier designed, constructed and maintained as required to prevent lateral migration of leachate off-site in surface mined areas.	273.259(a)-(d)	148
		↓		8 feet of select waste placed over protective cover.	273.260	149
				<b>LEACHATE TREATMENT</b>		
		X		Leachate collected and handled through Department approved method(s).	273.272(a)-(c)	150
		X		Leachate transportation requirements adhered to.	273.273(a)-(c)	151
				Cessation of site operation if alternate leachate handling not available.	273.273(d)	152
				Leachate treatment system permitted and fully operational at least 3 years before closure.	273.273(e)	153
				Leachate recirculation in accordance with regulations.	273.274(1)-(4)	154
				Leachate collection and storage systems on-site have capacity of 30 days or 250,000 gallons, whichever is greater.	273.275(a)-(f)	155
				Leachate flow rate measured daily; analyzed quarterly.	273.276(a)-(b)	156
		↓		Department notified when remedial action(s) required.	273.277(1)-(4)	157
				<b>WATER QUALITY MONITORING</b>		
		X		Approved monitoring system installed(*) and maintained.	273.281(a), (b) & 273.283	158
				Quarterly and annual monitoring requirements adhered to and results submitted to Department within time constraints.	273.284 & 273.285	159
				Groundwater assessment plan submitted and implement as required.	273.286(a)-(g)	160
		↓		Groundwater abatement plan submitted and implemented as required.	273.287(a)-(d)	161
				<b>RECORDKEEPING AND REPORTING</b>		
		X		Operational records maintained, available and submitted as required.	273.288 and 273.311-273.313	162
				<b>MINERALS AND GAS</b>		
		X		25 foot isolation maintained from coal formations and mine openings sealed in approved manner.	273.291(a), (b)	163
				Subsidence plan implemented as approved.	273.291(c)	164
				Gas venting and monitoring in accordance with approved plans.	273.292(a)-(d)	165
				Combustible gas levels not exceeded.	273.292(e)	166
				Forced gas venting if required.	273.292(f)	167
		↓		Gas recovery conducted as per approved plan and §273.293, including annual analysis.	273.293(a), (b)	168

## INSPECTION REPORT - MUNICIPAL WASTE LANDFILL (Cont'd)

1-No Violation Observed 2-Not-Applicable 3-Not-Determined 4-Non-Compliance

STATUS				COVER/SLOPES/REVEGETATION	CHAPTER CITATION	LINE ITEM
1	2	3	4			
		X		Top soil removed and stored in accordance with regulations.	273.231(a)-(c)	122
				Uniform six inch daily cover compacted on waste at the end of working day or at the end of each 24 hour period, whichever is less.	273.232(a)	123
				Daily/intermediate cover meets performance and design requirements.	273.232(b), (c) & 273.233(b), (c)	124
				Minimum 5 day supply of daily and intermediate cover maintained on-site.	273.232(d) & 273.233(d)	125
				12 inches intermediate cover applied within time limits.	273.233(a)	126
				Intermediate cover temporarily revegetated as required.	273.233(e)	127
				Intermediate slopes covered, revegetated, and do not exceed 50%.	273.233(f)	1
				One foot compacted clay cap placed and graded over entire surface of final lift unless otherwise approved.	273.234(a)(1)	128
				Drainage layer installed over cap as approved.	273.234(a)(2)	130
				Uniform and compacted layer of soil at least 2 feet in thickness placed over drainage layer.	273.234(a)(3)	131
				Final cover meets performance and design requirements; applied within time limits.(*)	273.234(b)-(d)	132
				Final slopes stable and erosion controlled.	273.234(e)	133
				Final slopes graded 3-15% or terraced to 33% as approved.	273.234(f)	134
		Y		Minimum revegetation and successful revegetation requirements adhered to.	273.235(a)-(e) & 273.236(a), (b)	135
				WATER QUALITY PROTECTION		
		X		Surface and groundwater discharges prevented unless otherwise authorized by the Department.	273.241(a)-(c)	136
				Surface and groundwater treatment facilities properly operated and maintained.	273.273.241(b)	137
				Surface water percolation minimized/prevented.	273.242(b)(1) & 273.234(e)(4)	138
				Soil erosion and sedimentation controls designed and implemented(*) as per approved plans; gullies over nine inches repaired.	273.242(a)-(c)	139
				Sedimentation ponds and discharge structures designed, constructed (*), operated, and maintained(*) in accordance with Chapters 273, 102, and 105.	273.243(a)-(g) & 273.244	140
				Water supply replacement program in effect if required.	273.245(a)-(d)	141
				LINER SYSTEM		
				Liner system designed, constructed(*), operated, and maintained when required.	273.251(a), (b)	142
				Edge of liner requirements adhered to (i.e., no waste within 25 feet if adjacent liner or 15 feet if no adjacent liner, 4 feet high berm, and marked).	273.252(c)-(f)	143
		Y		Leachate detection zone monitored weekly.	273.255(c)	144

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WASTE MANAGEMENT

EPA

18063

## INSPECTION REPORT - MUNICIPAL WASTE LANDFILL

PERMIT # 100 550

Site I.D. EPA I.D. PAD 040603005Site Name BOYERTOWN LANDFILLAddress 300 MERKEL RD.GILBERTSVILLE PA. 19525Municipality POUGLASS TWP.Responsible Official WARREN FRAME

Person Interviewed \_\_\_\_\_

Inspector CHARLES FEESTelephone # (610) 458-5300 (FRAME CONTRACTING)

Operator Name \_\_\_\_\_

Address \_\_\_\_\_

County MONTGOMERYTitle PRESIDENT / OWNER

Title \_\_\_\_\_

Time \_\_\_\_\_

Due Date \_\_\_\_\_

Inspection Date

10/20, 23/95

Inspection Type \_\_\_\_\_

Facility Type \_\_\_\_\_

Inspector ID

212

# Violation

8

Comment: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_ Quarterly Groundwater Due Date: \_\_\_\_\_ Days/Week Operated: \_\_\_\_\_

Permit Date: \_\_\_\_\_ Annual Groundwater Due Date: \_\_\_\_\_ Max. Daily Volume: \_\_\_\_\_

1-No Violation Observed 2-Not-Applicable 3-Not-Determined 4-Non-Compliance

STATUS				GENERAL PROVISIONS	CHAPTER CITATION	LINE ITEM
1	2	3	4			
				<b>LANDFILL IS CLOSED</b>	<b>NO WASTE IS ACCEPTED</b>	
		X		Operation in accordance with approved plans and permit.	273.201(c)(2)	101
				Operation within permit boundaries (vertical and horizontal).	273.201(c)(2)	102
				Disposal timing and sequence as per Section 273.112(1)	273.201(c)(2)	103
				No unapproved wastes or liquids.	273.201(d)-(g)	104
				Isolation distances are adhered to.	273.202(a)(1)-(13)	105
				Facilities certification requirements followed.	273.203(a), (b)	106
		✓		Written Department approval of new construction prior to waste disposal.	273.203(c)	107
				DAILY OPERATIONS		
		X		Proper signs posted.	273.211(a)	108
		X		Site perimeter clearly marked and grid coordinate system in use.	273.211(b)-(d)	109
			X	Proper barriers installed and access controlled when attendant not present.	273.212(a)-(c)	110
		X		Access road maintained in accordance with Chapter 105 and 273, and negotiable by collection vehicles.	273.213(a)-(k)	111
				Approved means of measuring waste utilized.	273.214(a), (b)	112
				Adequate equipment on-site and stand-by equipment available.	273.215(a), (b)	113
				Vehicles directed promptly to unloading area and promptly unloaded.	273.216(a), (b)	114
				Solid waste spread and compacted into layers not exceeding two feet unless otherwise approved.	273.216(c)	115
				Working face size suitable for compaction and daily covering.	273.216(d)	116
				No open burning(*) or other fugitive dust emissions.	273.217(a), (c)	117
		✓		Ambient air quality standards maintained.	273.217(b)	118
		X		Effective vector control implemented and public nuisances prevented.	273.218(a), (b)	119
		X		Salvaging in accordance with regulations.	273.219(a), (b)	120
		X		Litter controlled/collected and barriers/fences in place.	273.220(a)-(c)	121